

Judge's Copy



## Federal Bar Association

August 13, 2002

Middle District of Pennsylvania Chapter

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### HAND-DELIVERED

The Honorable J. Andrew Smyser  
United States Magistrate Judge  
Middle District of Pennsylvania  
P. O. Box 827  
Harrisburg, PA 17108-0827

Re: Hue v. Updike, et al.  
No. 1:01-CV-1064

Dear Judge Smyser:

I regret that our Chapter cannot provide a volunteer attorney for plaintiff. One of the major weaknesses of our program arises in claims of medical malpractice or failure to treat. Counsel are reluctant to undertake a case without knowing that the claim has medical validity. Panel attorneys are similarly unwilling to advance their own funds to obtain what can often be a rather expensive preliminary opinion from a medical practitioner.

If this case can be placed in suspense for some time, we may be able to assist. With assistance from the Chapter, Chief Judge Vanaskie has been in contact with the Pennsylvania Medical Society about providing physicians to perform initial examinations. If this program is up and running within the next few months, we may well be able to use it to have Mr. Hue examined, following which time our Chapter could possibly provide a panel attorney.

Please let me know if I can provide additional information. Moreover, thank you for allowing our firm to look for ways in which to assist the Court.

Respectfully yours,

*Chip*  
Charles W. Rubendall II

CWRII/sg

cc: Michael J. McDonald, Esquire  
David R. Fine, FBA Chapter President

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